

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

BRIANNA ANN SUNSHINE,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00667

BETSY C. JIVIDEN, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Currently pending before the Court are the Plaintiff's *pro-se* Motion for Preliminary Injunction (Document 3) filed on December 27, 2021, and the Plaintiff's *pro-se* Motion for Restraining Order (Document 7) filed on December 30, 2021.

By *Administrative Order* (Document 2) entered on December 27, 2021, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. Further, by *Memorandum Opinion and Order* (Document 77) entered on June 28, 2022, the matter was referred to Magistrate Judge Aboulhosn for further proceedings.

On July 25, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 84) wherein it is recommended that this Court deny the Plaintiff's Motion for Preliminary Injunction (Document 3) and Motion for Restraining Order (Document 7).

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 11, 2022.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Motion for Preliminary Injunction (Document 3) and Motion for Restraining Order (Document 7) be **DENIED**.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosen, counsel of record, and any unrepresented party.

ENTER: August 15, 2022



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA